



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
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**Board of Health Meeting Minutes
Wednesday, October 21, 2015
Ground Floor Conference Room
Arlington Senior Center
5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Michael Fitzpatrick

Staff in Attendance: James Feeney, Acting Director of Health & Human Services/Health Compliance Officer, Natasha Waden, Health Compliance Officer, Kara Katz, Public Health Nurse

Others in Attendance: Bedros and Nivart Kaya (Brickstone Café), Chang Qu Zou (Shanghai Village), Charlie J. Chen (Shanghai Village), Sarah Avgood, Ivy Laplante (Arlington Youth Health and Safety Coalition)

Recording Secretary: Hannah Fast, Public Health Associate

Meeting called to order by Dr. Marie Walsh Condon at 5:32 pm.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the September 9, 2015 meeting minutes as submitted.

Vote: Motion approved unanimously (3-0)

Hearing: Variance Request – Shanghai 3 Inc.

Ms. Waden introduced the variance request submitted by Shanghai 3 Inc. (formerly Shanghai Village) to the Board. The establishment consulted with Pamela Ross-Kung of Safe Food Management to develop a HACCP plan to prevent the potential growth of pathogens including *Bacillus Cereus*. After working with the establishment and reviewing the plan, Ms. Waden recommended that the variance be granted contingent on a revision made to include the pH test paper manufacturer's specifications within the HACCP plan.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the variance for Shanghai 3 Inc. contingent upon the revision of the HACCP Plan to include the manufacturer's specifications for the pH test paper.

Vote: Motion Approved Unanimously (3-0)

Hearing: Variance Request - Brickstone Café

Ms. Waden introduced the variance request submitted by Brickstone Café to the Board. The variance to the 1999 Food Code would allow the establishment to use time only, rather than time and temperature, as a public health control to hold pizza and calzone slices at room temperature. The owners of Brickstone Café worked with Cindy Rice of Eastern Mass Food Safety to develop a HACCP plan for this purpose. Upon reviewing the HACCP plan, Ms. Waden recommended the Board grant the variance on two conditions: 1. the inclusion of a statement in the HACCP plan which states the plan will be reviewed annually; and 2. an update of the product log to include a column describing any corrective actions that may need to be taken.

A Motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Michael Fitzpatrick, to approve the variance for Brickstone Café contingent on the two conditions outlined by Ms. Waden.

Vote: Motion Approved Unanimously (3-0)

Discussion: Increase in BOH Plan Review and Permit Fees

Ms. Waden distributed a memo to the Board with the specifications and reasoning behind a request to increase fees for both the Plan Review and the Annual Food Permits. She then explained the justification for the requests and elaborated on what was explained in the memo. The first request entails increasing the fee charged for a Plan Review by \$50.00, so that the new fee, effective January 1, 2016, would be \$150.00. A recent cost analysis revealed that the current \$100.00 fee does not cover the actual cost to the department; the actual cost is determined by the average 4-6 hours it takes for the inspectors to review the specialized components of the plans, meet with the applicants, compose approval letters, and conduct multiple pre-operational inspections. Mr. Feeney clarified that the Plan Review Fee increase would only apply to new businesses, not existing ones. Dr. Walsh-Condon then asked both inspectors how the fee increase would affect the department, to which they explained the fee would go into the general fund.

Ms. Waden also presented the Board with a request to increase the Annual Food Permit fees, effective January 1, 2016, from \$85.00 to \$100 per category. Waden explained that current food permit fees have not been increased since 2008, and therefore do not reflect the increasing costs of the Department's operating budget. Ms. Waden also explained that emergency preparedness funding, which helps cover the costs associated with contract food inspectors, may be eliminated in future years; therefore, the funds generated by the fee increase would help support and sustain the Department's food protection efforts. Lastly, Ms. Waden reported the proposed fees are comparable to those charged by neighboring communities.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the increase in the BOH Plan Review Fee from \$100.00 to \$150.00.

Vote: Motion Approved Unanimously (3-0)

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the increase in the BOH Annual Permit Fees from \$85.00 to \$100.00, for each category.

Vote: Motion Approved Unanimously (3-0)

Discussion: Draft Regulations Restricting the Sale of Medical Marijuana

Mr. Feeney began the discussion on medical marijuana in Arlington by explaining that several example regulations on the sale of medical marijuana from Massachusetts towns were included in the packet given to the Board. Dr. Fitzpatrick stated that after reading these regulations from other towns, he believes that Arlington's draft regulations are comprehensive. Discussion was had regarding smoking of marijuana within a specific number of feet from a medical facility. The Board continued the discussion on revisions of the Regulations, and came to several resolutions:

- A provision for a community meeting to be held annually by the Registered Marijuana Dispensary (RMD) should be added to the Regulations.
- The fee structure should be explored further to determine what the appropriate fee should be.
- The department should speak with other communities to find out if any knowledge has been learned from firsthand experience.
- The hours of operation for a Registered Marijuana Dispensary defined in the Regulations should be lowered from 10:00 PM to 8:00 PM to reflect the closing times of other local businesses.
- The allowance of a 60 day supply for patients should be decreased to a 30 day supply. After discussion, it was determined to consult Town Counsel to ensure this did not conflict with the State regulation.
- The Board should look into capping the number of dispensary permits issued in Town. Mr. Feeney stated he would consult with Town Counsel to see if this would be under the purview of the Board now that the Department of Public Health requires applicants to get approval from the Board of Selectmen and/or Town Manager's Office.

Environmental Updates

Ms. Waden delivered an update on the current state of the rodent issue in Arlington. The office received 4 to 5 rodent complaints the prior week, in addition to many over the summer, and has sent out a total of over 600 notices to residents and property owners. Ms. Waden has been working with several food establishments to see that dumpsters and alleyways are maintained in a clean state. Mr. Kohlberg asked if the inspectors had any correlative data between the increase in recycling and the increase in rodents, especially considering the Town has been pushing for residents to participate in composting and food recovery programs. Mr. Feeney responded by stating the inspectors have seen more rodent interactions on properties where there is an available food source, such as improperly managed composting or chicken coops with feed that has not been secured.

Restaurant Updates

Ms. Waden began by informing the Board that the department was conducting a foodborne illness investigation into Menotomy Grill and Tavern due to 4 suspected Scromboid poisoning cases. All four individuals experienced a reaction after consuming the seared tuna burger at the restaurant. As part of the investigation, multiple

inspections of the establishment were conducted. Ms. Waden explained that after the fourth case, the establishment made the decision to remove the product from the menu. Moving forward, the establishment must contact the Office prior to offering this item again to ensure proper food safety procedures are in place.

Ms. Waden also gave the update that Fenway Market withdrew their application and is choosing to not change ownership.

Public Health Nurse Updates

Ms. Kara Katz, Public Health Nurse, provided the Board with information on the seasonal Influenza vaccination clinics administered by Health and Human Services. At this time, all of the school and senior housing clinics had been completed, as well as two senior (age 65+) clinics located at the Senior Center. There is one remaining clinic to be held for residents that are over the age of 65, or under the age of 18. These age groups were prioritized by the Massachusetts Department of Public Health. Ms. Katz also explained that there are still doses of the State Supplied Influenza vaccine remaining, and she is looking into the option of sharing these doses with other Vaccines for Children (VFC) programs.

Ms. Katz also informed the Board that she received notice through MAVEN (Massachusetts Virtual Epidemiologic Network) of a resident who had recently returned from a trip to West Africa. The individual is monitoring his or her temperature daily and reporting these measurements to Ms. Katz. Ms. Katz reports that so far there has been no reason for concern to be raised about Ebola in regards to this case.

Public Comment

Mr. Feeney introduced Ms. Ivy Laplante to the Board. Ms. Laplante is the Director of the Arlington Youth Health and Safety Coalition, which has received funding through a Drug Free Communities federal grant. Ms. Laplante explained about several events the Coalition is and has been involved in, such as a recent forum held to discuss the opioid crisis in Arlington and an upcoming forum that will be discussing the effect of marijuana use on the teenage brain.

Meeting was adjourned at 7:25 pm.